

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

KENTUCKY UTILITIES COMPANY	)	
	)	
_____	)	CASE NO. 2002-00049
	)	
ALLEGED FAILURE TO COMPLY WITH	)	
ADMINISTRATIVE REGULATIONS	)	
807 KAR 5:006, SECTION 24 AND	)	
807 KAR 5:041, SECTION 3	)	

O R D E R

Kentucky Utilities Company ( KU ), a Kentucky corporation which engages in the distribution of electricity to the public for compensation for lights, heat, power and other uses, is a utility subject to Commission jurisdiction. KRS 278.010(3)(a).

KRS 278.280(2) directs the Commission to prescribe rules and regulations for the performance of services by utilities. Pursuant to this statutory directive, the Commission promulgated Administrative Regulation 807 KAR 5:041, Section 3, which requires electric utilities to maintain their plant and facilities in accordance with the standards of the National Electrical Safety Code (1990 edition) ( NESC ). It further promulgated Administrative Regulation 807 KAR 5:006, Section 24, which requires each utility to adopt and execute a safety program. KU has adopted the Louisville Gas and Electric Energy Health and Safety Manual ( LG&E Handbook ) as part of its safety program.

Commission Staff has submitted to the Commission a Utility Accident Investigation Report , appended hereto, in which Commission Staff alleges:

1. On November 6, 2001, Martin D. Cardin was injured while replacing a #2 tri-plex, overhead service.

2. At the time of the incident, Cardin had removed an energized #2 tri-plex service on an old meter pole installation and was attempting to splice a small length of new tri-plex cable onto the existing service to attach to a new meter pole installation. He received flash burns to two fingers on his left hand when he used a set of bolt cutters to trim the ends of the two energized leads of the old service.

3. At the time of the incident, Cardin was an employee of KU and was acting within the scope of his employment.

4. At the time of the incident, Cardin was not wearing appropriate protective covering.

5. NESC Rule 420H requires persons to use the personal protective equipment, protective devices, and special tools provided for their work and NESC Rule 420C5 provides that no employee shall approach or take any conductive object, without a suitable insulating handle, closer to an exposed energized part than what is allowed by Rule 441.

6. Cardin violated NESC Rule 420H and 420C5 when he failed to wear the appropriate protective devices provided to him for this work.

7. LG&E Handbook, Section E, Electrical C.3.2(e) requires that low voltage gloves are required when working on energized services.

8. Cardin failed to comply with Section E, Electrical C.3.2(e) of the LG&E Handbook by not wearing the required low voltage gloves.

Based on its review of the Utility Accident Investigation Report and being otherwise sufficiently advised, the Commission finds that prima facie evidence exists that KU has failed to comply with Commission Regulations 807 KAR 5:006, Section 24 and 807 KAR 5:041, Section 3.

The Commission, on its own motion, HEREBY ORDERS that:

1. KU shall appear before the Commission on July 30, 2002 at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, for the purpose of presenting evidence concerning the alleged violation of Commission Regulations 807 KAR 5:006, Section 24, and 807 KAR 5:041, Section 3, and of showing cause why it should not be subject to the penalties prescribed in KRS 278.990(1) for these alleged violations.

2. KU shall submit to the Commission within 20 days of the date of this Order a written response to the allegations contained in the Utility Accident Investigation Report.

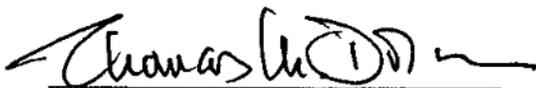
3. The Utility Accident Investigation Report, a copy of which is appended hereto, is made part of the record of this proceeding.

4. Any motion requesting an informal conference with Commission Staff to consider any matter which would aid in the handling or disposition of this proceeding shall be filed with the Commission no later than 20 days from the date of this Order.

Done at Frankfort, Kentucky, this 25<sup>th</sup> day of June, 2002.

By the Commission

ATTEST:

  
Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2002-00049 DATED JUNE 25, 2002

**UTILITY ACCIDENT  
INVESTIGATION REPORT**

<b>Utility:</b>	Kentucky Utilities			
<b>Reported By:</b>	Gregory B. Fergason - Regulatory			
<b>Accident Occurred:</b>	11/06/01	Approx. 11:45 p.m.		
	11/06/01	Approx. 12:00 p.m.		
	11/06/01	1:15 p.m.		
	11/07/01			
	11/12/01			
<b>Written Report Rcvd:</b>				
<b>Location of Accident:</b>	Cathy A. Divan Res 11814 Leitchfield Road Cecilia, KY			
<b>Description of Accident:</b>	Mr. Martin D. Cardin, line technician A, for Kentucky Utilities was in the process of splicing out a #2 tri-plex service when he was injured. Mr. Cardin had removed an energized #2 tri-plex service on an old meter pole installation at 11814 Leitchfeild Road, Cecilia, KY that had previously served a trailer which had burned. Mr. Cardin was attempting to splice a small length of new tri-plex cable onto the existing service to reach a new meter pole installation. Mr. Cardin stated he had his low voltage rubber gloves on when he lowered the old service. He stated that he removed them to get connectors out of his pocket to splice the service. It was at this point that Mr. Cardin used a small set of bolt cutters to trim the ends of the two energized leads of the old service, resulting in a flash burn to two fingers on his left hand. Mr. Cardin was not wearing his low voltage rubber gloves at the time of the incident.			
<b>Victims:</b>				
<b>Name:</b>	Martin D. Cardin	<b>Fatal:</b>	No	<b>Age:</b> 39
<b>Addr./Empl.:</b>	6355 Sonora Road Hodgenville, KY 42748	KU Company Elizabethtown, KY		
<b>Injuries:</b>				
<b>Witnesses:</b>	<b>Name</b>	<b>Address/Employment</b>		
	None	KU Employee, Elizabethtown, KY		
<b>Sources of</b>	Karen Hundley (Himes)	KU Employee, Elizabethtown, KY		
	Timothy L. Tucker	KU Employee, Elizabethtown, KY		

<b>Information:</b>	Mike Yates	KU Employee, Elizabethtown, KY			
	Joe Yates	KU Employee, Elizabethtown, KY			
	Martin Cardin	KU Employee, Elizabethtown, KY			
	Greg Ferguson	LG&E Employee			
	Marty Reinert	LG&E Employee			
	John Land	PSC Field investigator/Eng Staff			
<b>Probable Violations:</b>	807 KAR 5:006 Section 24(1) LG&E Energy Health and Safety Manual Rule C.3.2.E and 807 KAR 5:041 Section 3, National Electric Safety Code, 1990 Edition: Section 42 General Rules for Employees: Rule 420 c.5. and h. Safe Guarding one self and others. Tools and protective Equipment.				
<b>Line Clearances At Point of Accident:</b>	<b>Measured</b>	<b>Minimum Allowed by NESC</b>	<b>Applicable NESC Edition<sup>1</sup> 1990</b>	<b>Volt.</b>	<b>Constr. Date</b>
<b>Primary Phase to Ground (A)</b>	N/A				
<b>Primary Secondary</b>					
<b>Top Secondary</b>					
<b>Bottom Secondary:</b>					
<b>Date of Measurement:</b>	N/A°				
<b>Approximate Temp.:</b>	N/A				
<b>Measurements Made By:</b>	N/A				
<b>Investigated By:</b>	John W. Land PSC Engineering Staff				
<b>Signed:</b>					

- Attachments
- A. Accident Report
  - B. Photographs of Accident Site
  - C. Copies of Safety Rules

Attachments A, B and C are available upon request.

<sup>1</sup> Current edition adopted by the Commission. If clearances are not in compliance with the current edition, then the edition in effect when the facilities were last constructed or modified would apply.

**Attachment A**  
**Accident Report**

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**Attachment B**

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**Photographs of Accident Site**

**Attachment C**  
**Copies of Safety Rules**

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